

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202001874	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/13/2019 9:24 PM	Location of Incident: 121st Precinct stationhouse	Precinct: 121	18 Mo. SOL 3/13/2021	EO SOL 10/28/2021	
Date/Time CV Reported Tue, 09/17/2019 8:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/04/2019 11:14 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Lauren Brooke	15537	964407	121 PCT
2. POM James Moussa	31415	963664	121 PCT
3. POM James Barbee	22173	952441	121 PCT
4. POM Steven Cosentino	11555	948816	121 PCT
5. Officers			

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Cosentino	Abuse: Police Officer Steven Cosentino forcibly removed § 87(2)(b) to the hospital.	
B.POM Steven Cosentino	Force: Police Officer Steven Cosentino used physical force against § 87(2)(b)	
C.POM James Barbee	Force: Police Officer James Barbee used physical force against § 87(2)(b)	
D.POM James Moussa	Force: Police Officer James Moussa used physical force against § 87(2)(b)	
E. Officers	Force: Officers used physical force against § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

## Case Summary

On September 17, 2019, § 87(2)(b) filed this complaint with IAB via telephone. On October 4, 2019, the complaint was forwarded to the CCRB via IAB log #2020-36170.

At approximately 5:00 p.m. on September 13, 2019, § 87(2)(b) traveled to the 121<sup>st</sup> Precinct stationhouse on Staten Island to report an assault. He encountered several uniformed officers, including Police Officer James Barbee, Police Officer Steven Cosentino and Police Officer James Moussa, in front of the stationhouse. The officers told § 87(2)(b) that he had to go to the hospital (**Allegation A: Abuse of Authority – Forcible removal to the hospital,** § 87(2)(g) When § 87(2)(b) told the officers that he did not want to go, they allegedly used physical force against him, including punching him and stepping on his hands, legs, head and neck (**Allegation B, C, D and E: Force – Physical force,** § 87(2)(g) § 87(2)(b) was transported to § 87(2)(b) but left the hospital before he was examined by a physician.

§ 87(4-b), § 87(2)(g)

No video footage was found from this incident.

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Steven Cosentino forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(b) was interviewed at the CCRB on October 11, 2019. He provided follow-up statements via telephone on November 6, 2019 and December 2, 2019 (Board Review #01-02). Police Officer Cosentino and Police Officer Brooke were interviewed at the CCRB on October 14, 2020. EMT § 87(2)(b) and EMT § 87(2)(b) were interviewed by the CCRB on February 17, 2021. Police Officer Moussa and Police Officer Barbee were interviewed by the CCRB on April 8, 2021.

It is undisputed that § 87(2)(b) traveled to the 121<sup>st</sup> Precinct stationhouse to file a criminal complaint. He spoke to several officers outside the building, who called an ambulance to have him removed to the hospital as an emotionally disturbed person (EDP). § 87(2)(b) was transported by EMS to § 87(2)(b).

§ 87(2)(b) provided conflicting testimony regarding the date of the incident. The investigation determined that it occurred on September 13, 2019. On that evening, § 87(2)(b) was assaulted by two unidentified females at a grocery store. He denied that he suffered any physical injuries as a result of the females' actions. § 87(2)(b) decided to file a complaint against the females in-person at the 121<sup>st</sup> Precinct stationhouse. He opted to file the complaint in-person rather than via 911 because he had struck up a friendship with one of the officers at the 121<sup>st</sup> Precinct, Police Officer Lauren Brooke (whom he erroneously believed to be named "Daphne"), and he wanted to bring the complaint directly to her. When § 87(2)(b) arrived at the stationhouse, he encountered a group of uniformed officers in front of the building. The investigation identified three of these officers as Police Officer Barbee, Police Officer Moussa and Police Officer Cosentino. § 87(2)(b) recognized Police Officer Cosentino as Police Officer Brooke's partner from a previous interaction. Police Officer Brooke was not present.

§ 87(2)(b) told the officers that he had been assaulted. They told him to go home. When § 87(2)(b) stated that he wanted to have the females arrested, the officers started teasing him about his

relationship with Police Officer Brooke and accused him of having a crush on her. § 87(2)(b) asked the officers to summon a supervisor, but they refused to do so. § 87(2)(b) did not enter the stationhouse. § 87(2)(b) described his demeanor during this conversation as “well-mannered.” Police Officer Cosentino then told § 87(2)(b) that he needed to go to the hospital. When § 87(2)(b) asked why, Police Officer Cosentino replied, “Because I said so.” Police Officer Cosentino and the other officers forcibly restrained § 87(2)(b). An ambulance came to the stationhouse and transported § 87(2)(b) to the hospital. Once there, § 87(2)(b) was given a CAT scan, which showed that he had a facial fracture. § 87(2)(b) was given an unknown medication and released after about one or two hours.

§ 87(2)(b) was transported to the hospital by EMT § 87(2)(b), § 87(2)(b) and EMT § 87(2)(b). EMT § 87(2)(b) did not recall this incident. EMT § 87(2)(b) stated that they were called to the stationhouse to transport an EDP to the hospital. When they arrived, two officers (identified by the investigation as Police Officer Cosentino and Police Officer Barbee), walked § 87(2)(b) out of the stationhouse into the ambulance. § 87(2)(b) sat down on the ground and refused to walk. The officers lifted him up by his arms and physically carried him to the ambulance. § 87(2)(b) wriggled his body to try to get away from the officers. § 87(2)(b) shouted that he was going to file a lawsuit against the officers. § 87(2)(b) appeared to be disoriented. EMT § 87(2)(b) believed that § 87(2)(b) was possibly emotionally disturbed or under the influence of an illicit substance because of his disorientation, his shouting, and his uncooperative demeanor.

According to § 87(2)(b) ambulance call report, an ambulance was dispatched to the 121<sup>st</sup> Precinct stationhouse to deal with an EDP. § 87(2)(b) was already in custody when the ambulance arrived. The police informed EMS that § 87(2)(b) had walked into the stationhouse and started screaming, and that he acted in a violent and agitated manner. No physical injuries are noted on the report (Privileged Documents).

§ 87(2)(b) medical records from § 87(2)(b) state that he was admitted to the hospital as an EDP. His intake notes state that he was suspected of taking PCP, but this was not confirmed by testing. No mention is made of § 87(2)(b) displaying any physical injuries. No mention is made of him receiving a CAT scan or suffering a facial fracture. § 87(2)(b) remained in the care of the emergency department until 1:50 a.m. on § 87(2)(b), at which time it was discovered that he had eloped from the hospital (Privileged Documents).

The event information for ICAD event #§ 87(2)(b) states that at 9:24 p.m. on September 13, 2019, an officer at the 121<sup>st</sup> Precinct stationhouse requested that EMS respond to help deal with an EDP. The individual was subsequently transported by ambulance to § 87(2)(b). The units involved were listed as sector A and sector B (Board Review #03). The 121<sup>st</sup> Precinct resource recap log identified Police Officer Moussa and Police Officer Barbee as assigned to sector A, and Police Officer Cosentino and Police Officer Brooke as assigned to sector B (Board Review #04).

Police Officer Moussa, Police Officer Barbee, Police Officer Cosentino and Police Officer Brooke all stated that they were on patrol when they received a request over the radio for assistance with an EDP at the 121<sup>st</sup> Precinct stationhouse. They did not recall who made the request.

Police Officer Moussa and Police Officer Barbee stated that § 87(2)(b) was standing outside the stationhouse with several other officers when they arrived. Police Officer Moussa did not recall who the other officers were, but Police Officer Barbee identified two of them as Police Officer Brooke and Police Officer Cosentino. Police Officer Moussa did not recall if § 87(2)(b) was doing or saying anything when he arrived. Police Officer Barbee stated that some of the other officers told

them § 87(2)(b) had come looking for Police Officer Brooke.

Police Officer Brooke and Police Officer Cosentino stated they they found two unidentified officers escorting § 87(2)(b) out of the building. The officers walked § 87(2)(b) over to an ambulance. They did not recall who these officers were. Neither officer was aware of what, if anything, § 87(2)(b) had done prior to their arrival. They did not know why the officers were removing § 87(2)(b) from the stationhouse. Both officers acknowledged each other as their regular partner. They were both familiar with § 87(2)(b) from having sent him to the hospital on several previous occasions as an EDP. § 87(2)(b) frequently referred to Police Officer Brooke by the name “Daphne.”

The officers stated that at some point after they arrived, an ambulance came to the stationhouse. The officers loaded § 87(2)(b) into the ambulance to transport him to § 87(2)(b) as an EDP. They did not know who determined that § 87(2)(b) was emotionally disturbed. None of the officers recalled if § 87(2)(b) displayed any behavior suggesting that he was emotionally disturbed. They did not know of any other reason why § 87(2)(b) was being taken to the ambulance besides his alleged emotional disturbance.

Police Officer Cosentino rode with § 87(2)(b) to the hospital in the ambulance. None of the other officers accompanied him, though Police Officer Brooke and Police Officer Moussa recalled following the ambulance in their vehicles. None of them were aware of any treatment § 87(2)(b) received at the hospital.

No AIDED worksheets were prepared for this incident (Board Review #05).

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)

**Allegation (B) Force: Police Officer Steven Cosentino used physical force against § 87(2)(b)**

**Allegation (C) Force: Police Officer James Barbee used physical force against § 87(2)(b)**

**Allegation (D) Force: Police Officer James Moussa used physical force against § 87(2)(b)**

**Allegation (E) Force: Officers used physical force against § 87(2)(b)**

§ 87(2)(b) stated that prior to going to the stationhouse, he was assaulted by two unidentified females. The females punched him several times in the face and kicked him on his legs, hips and stomach. § 87(2)(b) did not recall how many times they struck him in total, or if there was a particular part of his face that the females struck. He denied suffering any physical injuries as a result of the females' actions. § 87(2)(b) traveled to the 121<sup>st</sup> Precinct stationhouse to file an in-person complaint against the females. He spoke to a group of officers, including Police Officer Moussa, Police Officer Barbee and Police Officer Cosentino, in front of the building.

When Police Officer Cosentino told § 87(2)(b) that he had to go to the hospital, he and the other officers grabbed § 87(2)(b) by his arms and legs. § 87(2)(b) tried to stop them from moving him by grabbing onto the bottom of a metal pedestrian barrier positioned nearby. At least one of the officers tried to break § 87(2)(b) grip on the barrier by stomping on his hand. § 87(2)(b) could not tell which officer or officers did this. The officers finally broke § 87(2)(b) grip by pulling his body away from the barrier. The officers then held § 87(2)(b) down on the ground placed him in handcuffs and leg shackles. § 87(2)(b) tried to resist the officers by pulling his arms away from the officers and wriggling his body "like a snake," but the officers were still able to restrain him. One of the officers said aloud that § 87(2)(b) was trying to kick them. § 87(2)(b) however, denied doing so. § 87(2)(b) then noticed that an ambulance had arrived in front of the stationhouse. The officers placed him on a stretcher and loaded him into the ambulance. § 87(2)(b) continued wriggling his body as they did so. The officers responded by placing their boots on § 87(2)(b) head, legs and neck and punching § 87(2)(b) several times on his stomach and chest. They also forcibly pushed the left side of § 87(2)(b) head against a metal surface inside the ambulance. When § 87(2)(b) was eventually treated at the hospital, he was diagnosed with a facial fracture, which he attributed to the officers striking him in the face and pushing his face against the metal surface. § 87(2)(b) did not have any other physical injuries.

§ 87(2)(b) filed a Notice of Claim with the NYC Office of the Comptroller on November 20, 2019 (Board Review #06). It states that § 87(2)(b) was forcibly removed from the hospital and assaulted during this incident, causing him facial fractures.

EMT § 87(2)(b) did not recall this incident. He did not recall if officers used any physical force during this incident. EMT § 87(2)(b) stated that when they arrived at the stationhouse, two officers (identified by the investigation as Police Officer Cosentino and Police Officer Barbee), walked § 87(2)(b) out of the stationhouse into the ambulance. § 87(2)(b) sat down on the ground and refused to walk. The officers responded by lifting § 87(2)(b) up by his arms and physically carried him to the ambulance. § 87(2)(b) wriggled his body to try to get away from the officers. The officers did not use any further physical force against § 87(2)(b) including stepping on any part of § 87(2)(b) body or slamming § 87(2)(b) head against a wall.

All four officers stated that § 87(2)(b) was handcuffed before he was walked to the ambulance. Police Officer Moussa stated that § 87(2)(b) tried to prevent officers from handcuffing him by

grabbing onto a nearby pedestrian barrier. Officers overcame this by pulling § 87(2)(b) arms from the barrier and bringing them behind his back. He denied that he or any other officers stepped on § 87(2)(b) hands. None of the other officers recalled § 87(2)(b) holding onto any objects.

Once § 87(2)(b) was in handcuffs, Police Officer Cosentino and Police Officer Barbee walked § 87(2)(b) to the ambulance. Both officers stated that § 87(2)(b) dropped his weight as they walked, forcing them to hold him up by his arms. Police Officer Barbee further stated that § 87(2)(b) kicked out with his legs as they walked, though he did not strike anybody. Both officers denied that they used any force besides lifting § 87(2)(b) as they moved him to the ambulance. Police Officer Moussa and Police Officer Brooke did not recall officers having any difficulty moving § 87(2)(b).

All four officers denied that they or any other officer used physical force against § 87(2)(b) inside the ambulance. They denied that they or any other officer struck § 87(2)(b) head against a flat surface inside the ambulance or stepped on any part of his body. They denied observing any injuries to § 87(2)(b) during this incident.

§ 87(2)(b) medical records note no physical injuries to his person, including any fractures. They also make no mention of § 87(2)(b) receiving a CAT scan while in the hospital. The ambulance call report also states that § 87(2)(b) was already in custody by the time EMS arrived at the stationhouse (Privileged Documents).

No TRI or AIDED reports were found for this incident (Board Review #05).

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)  
§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in four allegations (Board Review #10):
  - § 87(2)(b)
- Police Officer Cosentino has been a member of the service for ten years and has been identified as a subject officer in eight previous CCRB complaints and fourteen allegations, none of which has been substantiated. § 87(2)(g)
- Police Officer Barbee has been a member of the service for eight years and has been identified as a subject officer in four previous CCRB complaints and five allegations, one of which has been substantiated:
  - 201907825 involved one substantiated allegation of refusal to obtain medical treatment. The Board recommended that he receive instructions. The NYPD has not yet administered a penalty.
  - § 87(2)(g)



- Police Officer Moussa has been a member of the service for three years and has been identified as a subject officer in four previous CCRB complaints and six allegations, one of which has been substantiated:
  - 201907825 involved one substantiated allegation of refusal to obtain medical treatment. The Board recommended that he receive instructions. The NYPD has not yet administered a penalty.
  - § 87(2)(g) [REDACTED]
- Police Officer Brooke has been a member of the service for three years and has been identified as a subject officer in two previous CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

### Mediation, Civil and Criminal Histories

- This complaint was ineligible for mediation.
- On November 20, 2019, § 87(2)(b) [REDACTED] of the firm § 87(2)(b) [REDACTED] filed a Notice of Claim with the NYC Office of the Comptroller on § 87(2)(b) [REDACTED] behalf (Board Review #06). According to the Comptroller's office, a 50H hearing was held on March 4, 2020. § 87(2)(b) [REDACTED]

- § 87(2)(b) [REDACTED]

Squad No.: 15

Investigator: <u>Owen Godshall</u>	Inv. <u>Owen Godshall</u>	<u>5/11/2021</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Simon Wang</u>	IM <u>Simon Wang</u>	<u>05/14/21</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date